

STATE OF ALASKA

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July 6, 1990

Mr. Bill Brown
25 Port Protection
Ketchikan, AK 99950-0180

Dear Mr. Brown:

SUBJECT: SUMNER ISLAND AQUATIC FARM
STATE I.D. NO. AK900110-01J
CORPS OF ENGINEERS - SUMNER STRAIT 107
CONCLUSIVE CONSISTENCY DETERMINATION

The Division of Governmental Coordination (DGC) has completed coordinating the State's review of your project for consistency with the Alaska Coastal Management Program (ACMP). The project is to place an oyster farm raft culture in Sumner Strait, near Sumner Island, NW ¼ Section 11, T. 63 S., R. 74 E., C.R.M., USGS Quadrangle Petersburg B-6, near Petersburg, Alaska. The project is a commercial aquatic farm. Construction includes placement of 195 rafts with dimensions of 4' x 20' and a 20' x 40' work station surrounded by boom logs. Dimensions of the total project would be 217' x 600'. The raft culture would be anchored with four 1,000-pound anchors.

This consistency determination applies to the following State and federal authorizations as per 6 AAC 50:

U.S. Army Corps of Engineers (COE)
Section 10 Permit No. 1-890399

Alaska Department of Natural Resources (DNR)
Aquatic Farm Permit ADL #105288

Alaska Department of Fish and Game
Aquatic Farm Permit

Based on the review of your project by the Alaska Departments of Natural Resources, Environmental Conservation and Fish and Game,

the State concurs with your certification that the project is consistent with the ACMP provided the following conditions are met. These conditions will appear as stipulations on the State permits noted:

DFG Aquatic Farm Permit

1. Garbage and other wastes shall be disposed of in a manner that does not attract bears or other animals, and in a manner that is approved by DEC. If it becomes necessary to kill a bear in defense of life or property, the aquatic farm permit will be subject to revocation, contingent upon investigation by DFG.
2. Floating structures will be located and secured in a manner that grounding will not occur at any tidal stage
3. Harassment of animals with explosives or firearms in defense of aquatic farm properties will not be allowed unless permission to use these means has been granted by DFG.
4. If herring spawn on the culture gear or other facilities, herring eggs shall not be disturbed or removed, but the herring eggs shall be allowed to hatch, even though this may result in loss of the shellfish being cultured.

Stipulations 1-4 are necessary pursuant to 6 AAC 80.130 HABITATS, in order to maintain or enhance the biological, physical, and chemical characteristics of the habitat, which contribute to it's capacity to support living resources by preventing fatalities to fish and wildlife and compaction of the substrate.

DFG Aquatic Farm Permit and DNR Aquatic Farmsite Permit

1. Unimpeded public access shall be provided around the floating facility at all tidal stages, so that public access is not unnecessarily curtailed.

This stipulation is necessary pursuant to 6 AAC 80.120 SUBSISTENCE, which requires State agencies to recognize and assure opportunities for subsistence use of coastal areas and resources by providing access for subsistence uses of fish and wildlife.

1. If a tender boat is utilized it shall carry a Coast Guard approved marine sanitation device.
2. Wastewater affiliated with upland facilities, excluding water at less than 10 gallons per day, shall not be

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perspective. Boundaries may not correspond with the Department of Natural Resources site boundaries.

1. There shall be no storage of fuel or other toxic substances within 300' of the growing area.
2. Growing area boundaries shall be at least 300' from any anadromous stream or current human use of the area including boat anchorages and outfall pipes from the uplands.

This conclusive consistency determination represents a consensus reached between you as the project applicant and the reviewing agencies listed above, as provided for under 6 AAC 50.070(k), regarding the conditions necessary to insure the consistency of the proposed project with the ACMP. As also provided under 15 CFR 930.64(c), federal authorization of your project will be made with the full understanding that your original project proposal has been modified subject to the conditions described above.

If changes to the approved project are proposed prior to or during its siting, construction, or operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary. If the project is changed in any significant way, or if the actual use differs from the approved use contained in the project description, the State may amend the State approvals listed in this conclusive consistency determination.

By a copy of this letter, we are informing the federal agency reviewing your project of our determination.

A consistency determination does not obligate DNR to issue an authorization pursuant to AS 38 or AS 46.15, nor does it supersede statutory obligations thereunder. The applicant may not proceed with any site specific land use or water use developments until so authorized by DNR. Statutory authorities other than 6 AAC 50 (ACMP) may result in additional permit conditions.

If you have any questions regarding this determination, please contact me at 465-3562.

Sincerely,

Fran Roche
Project Review Coordinator

Enclosures